

It appears, that in New York, in cases of equity, where it becomes necessary, or it is agreed to award to a widow a compensation in lieu of her dower, it is the course of the Court to refer the matter to a master in Chancery to have a gross sum liquidated by the value of her life according to the tables of life annuities; or to have the interest of one-third of the purchase money of the estate secured to her for her life; and yet it would seem, that the gross sum to be awarded to her must be no more than equivalent to the price of an annuity the same in amount as the annual rents and profits of her dower. *Tabele v. Tabele*, 1 *John. C. C.* 45; *Hazen v. Thurber*, 4 *John. C. C.* 604; *Titus v. Neilson*, 5 *John. C. C.* 458; *Swaine v. Perine*, 5 *John. C. C.* 491; *Everston v. Tappan*, 5 *John. C. C.* 513; *Hale v. James*, 6 *John. C. C.* 263. In Virginia it is said, that where the estate is sold, and the widow agrees to receive a gross sum in lieu of her dower, the Court must direct an issue to have the amount ascertained; *Pollard v. Underwood*, 4 *Hen. & Mun.* 459; *Davison v. Waite*, 2 *Mun.* 527; which, however, is only calling upon a jury to cut the knot, since they could not be more capable than the Chancellor of drawing from the evidence any settled precise idea of the value. *Griffith v. Spratley*, 1 *Cox*, 390. But if the widow refuses to accept a gross sum in lieu of her dower, then, it is said, that one-third of the purchase money must be set apart, and the interest thereof be paid to her annually during her life. *Herbert v. Wren*, 7 *Cran.* 380. And in South Carolina, where in equity an estate is sold, it is laid down, that a reasonable compensation must be \* allowed to the widow for

**253** her dower, without referring to any principles by which the amount of such compensation is to be ascertained by the master in Chancery by whom it is to be adjusted. *Miller v. Cape*, 1 *Desau.* 110; *Miller v. Miller*, 1 *Desau.* 111; *Clifford v. Clifford*, 1 *Desau.* 115; *Rutledge v. Williamson*, 1 *Desau.* 159.

In Maryland there have been frequent and important occasions for recurring to the doctrine of chances in regard to the expectation of human life as a means of ascertaining the value of life interests in property; and the valuation of such interests has presented many and great difficulties to the minds of the legislative as well as to those of the judicial department; and therefore, it cannot be deemed amiss to bring together here all that is to be found in the books of our Code in relation to this important matter.

An annual public tax upon land may, with propriety, be regarded, in most respects, as being of the same nature as a mere incumbrance imposed upon it by its individual owner. It is evidently one that bears upon it like the annual interest of a mortgage debt; which must be kept down by the particular tenant who takes its rents and profits. But although that may be considered as a correct mode of adjusting such a burthen as between a particular tenant, paying no rent, and a mere naked reversioner or